



11. The four omitted opt-in claims of Fair Harbor are –

Fair Harbor Capital, LLC as assignee of Water, Inc. – Ballot – 182353801043352 for \$75,436.15

Fair Harbor Capital, LLC as assignee of Water, Inc. – Ballot - 182353801042253 for \$12,367.88

Fair Harbor Capital, LLC as assignee of Everest Group – Ballot – 182353801040200 for \$16,189.19

Fair Harbor Capital, LLC as assignee of Chen Yen Enterprises – Ballot – 182353801042255 for \$59,148.38

12. Again, until today, Fair Harbor did not receive any indication from anyone that there was an issue with any of its claims and was never asked to provide additional information to reconcile the its omitted opt-in claims. Conversely, given the correspondence from Miii Partners, Fair Harbor expected a distribution for all six of its claims.

13. All day today, Dec 12, Fair Harbor placed numerous calls and sent many e-mails to the Debtor's attorneys and Miii Partners to try to find out why the four claims were omitted from the distribution list and Fair Harbor was basically stonewalled. Finally, tonight, counsel for the Debtors informed Fair Harbor that the distribution could not and would not be changed or delayed and no hearing on this matter was scheduled but that at a hearing tomorrow, December 13, the distribution issue would be raised.

14. Fair Harbor believes that the process invoked for the initial distribution was unfair and denies it due process.

15. Given the aforesaid, Fair Harbor respectfully requests that its four omitted claims be added to the list of claims to receive the pro rata share of the \$21 million initial distribution fund.

16. In the alternative,, Fair Harbor Capital requests that the Court order that the Initial Distribution be tolled until Fair Harbor's claims can be fairly reconciled.

17. We do not understand the need to rush the distribution.

18. Getting it right is more important than speed given the apparent uncertainty regarding future distributions in this case.

19. At a minimum, Fair Harbor requests that Miii Partners demonstrate the reconciliation process and allow Fair Harbor a fair opportunity to reconcile the omitted claims before the money is committed.

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2019, an electronic copy of the OBJECTION OF FAIR HARBOR CAPITAL LLC TO NOTICE REGARDING INITIAL DISTRIBUTION PURSUANT TO ADMINISTRATIVE EXPENSE CLAIMS CONSENT PROGRAM AND NOTICE OF SERVICE OF SUCH OBJECTION was filed using the Court's ECF System which caused electronic notification of filing to be served on all registered users of the ECF System that have requested such notification in the Sears Holdings Corporation, et al., bankruptcy proceeding.

Dated: New York, New York  
December 13, 2019

Respectfully submitted,

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